



denied claimant's recusal request. The Assistant Director concluded that the allegations made against the ALJ, if true, would not cause a reasonable person to believe that the ALJ would not afford claimant a fair hearing or claimant's attorney fair treatment in future proceedings.

Claimant and claimant's attorney contend that the Assistant Director erred. In their brief to the Appeals Board (Board) dated March 21, 2002, they argued the facts cited in the affidavits filed in this claim would cause a reasonable person to doubt the ALJ's impartiality in dealings with claimant's attorney. Accordingly, claimant and claimant's attorney request the Board to issue an order that the ALJ be recused from this case and also issue a blanket recusal to prevent the ALJ from adjudicating any proceedings in which claimant's attorney appears.

#### **Findings of Fact and Conclusions of Law**

After reviewing the record, including the February 1, 2002, hearing transcript and considering the claimant's brief, the Board makes the following findings and conclusions:

The Board finds the Assistant Director's February 7, 2002, Final Order that denied claimant's request to recuse ALJ Bruce E. Moore from participating in this claim and any future proceedings which claimant's attorney appears should be affirmed. The Board agrees with the Assistant Director's analysis of the evidence and his findings and conclusions as set forth in his Final Order. It is not necessary to repeat those findings and conclusions in this Order. Therefore, the Board adopts those findings and conclusions as if specifically set forth herein.

**WHEREFORE**, the Board finds and concludes that Assistant Director's February 7, 2002, Final Order that denied claimant's request to recuse ALJ Bruce E. Moore is affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of July 2002.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Roger A. Riedmiller Attorney for Claimant  
Melvin J. Sauer, Attorney for Respondent and Insurance Carrier  
Kenneth J. Hursh, Assistant Director  
Philip S. Harness, Workers Compensation Director